THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.7621 OF 2006

Dated 15th March 2007

Between:

Koppula Venkata Somaiah & others

…Petitioner

and

The District Collector, Ongole, Prakasam District
& others.

…Respondents

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.7621 OF 2006

O R D E R:

The petitioners claim to be the legal heirs of one Koppula Kotaiahgari Pitchi Reddy of Kakarla village of erstwhile Khammam taluq of Kurnool District, which is now part of Prakasam District. Pitchi Reddy was recorded as a pattedar of the land in Sy.Nos.928, 945 to 949, admeasuring about Acs.15-00. The said land has been notified for acquisition for Velugonda Irrigation Project, through Draft Notification, dated 16.3.2006, issued under

Section 4(1) of the Land Acquisition Act (for short "the Act"). The names of respondents 4 and 5 were shown as the owners and possessors, thereof. Feeling aggrieved by this, the petitioners get a notice, dated 9.2.2006 issued, and made a representation, dated 31.3.2006, before the respondents 1 and 2. Complaining that the respondents 1 and 2 are paying compensation to respondents 4 and 5, even while the enquiry is pending, the petitioners filed this writ petition.

On behalf of respondents 4 and 5, a detailed counter affidavit is filed. It is admitted that the predecessor in title of the petitioners, was the registered pattedar. However, mutation is said to have taken place in favour of Smt Sankathali Somamma and
14 others, and they, in turn, are said to have sold the land in favour of respondents 4 and 5. Reference is made to an order passed under Section 5-A of A.P. Rights in Land and Pattadar Pass Books Act, 1971, regularising the same in their favour. It is ultimately urged that in view of the serious dispute as to title, between the petitioners and respondents 4 and 5, the matter has been referred to the Court of Senior Civil Judge, Markapur, under Section 30 of the Act, duly depositing the entire compensation. Respondents 4 and 5 filed a counter affidavit asserting that they possess the title, in respect of the land and admitting the claim of the petitioners.

Heard the learned counsel for the petitioners, learned Government Pleader for respondents 1 to 3, and learned counsel for respondents 4 and 5.

The grievance of the petitioners is that their names are not reflected in the notification issued under Section 4(1) of the Act, in respect of the lands, referred to above. By their very nature, the claims of this nature can be resolved, only through an adjudication, by a Civil Court. In view of the urgency involved in the matter, the Land Acquisition Officer has already passed an award, and to protect the interests of both the parties, he has referred the matter to the Civil Court. Inasmuch as the entire amount of compensation determined by the Land Acquisition Officer is deposited to the credit of the OP, the interests of the petitioners, as well as the respondents 4 and 5, are amply protected.

Therefore, the writ petition is disposed of, leaving it open to the petitioners, on the one hand, and respondents 4 and 5, on the other hand, to get their dispute resolved, in the pending reference. There shall be no order as to costs.

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15th March 2007

Note: Issue C.C. in three days.

(B/o)

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